

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JAMES McREYNOLDS,)	
BOP Reg. # 09820-003,)	
)	
Petitioner,)	
)	
vs.)	CIVIL ACTION 16-0331-CG
)	CRIMINAL NO. 07-00116-CG-N
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

After due and proper consideration of the issues raised, and a de novo determination of those portions of the recommendation to which objection is made, the Report and Recommendations (Doc. 93¹) of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B)-(C), Rule 8(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts, and S.D. Ala. GenLR 72(a)(2)(R), and dated February 14, 2017, is **ADOPTED** as the opinion of this Court with the additional comment that the *Beckles* case, referred to at Footnote 2 of the Report and Recommendation, has now been decided by the Supreme Court and holds that the *Johnson* case is inapplicable to the Sentencing Guidelines. *Beckles v. United States*, 2017 WL 855781 (U.S. Mar. 6, 2017).

Accordingly, it is **ORDERED** that the Government's motion to dismiss (Doc.

¹ All "Doc." citations herein refer to the docket of the above-styled criminal action.

91) is **GRANTED** and that Petitioner James McReynolds's Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 (Docs. 87, 89) is **DISMISSED with prejudice**. It is further **ORDERED** that McReynolds is not entitled to a Certificate of Appealability in relation to this final adverse order. Finally, the Court certifies that any appeal of this order would be without merit and therefore not taken in good faith. Thus, McReynolds is not entitled proceed in forma pauperis on appeal.

DONE and ORDERED this 16th day of March, 2017.

/s/ Callie V. S. Granade
SENIOR UNITED STATES DISTRICT JUDGE